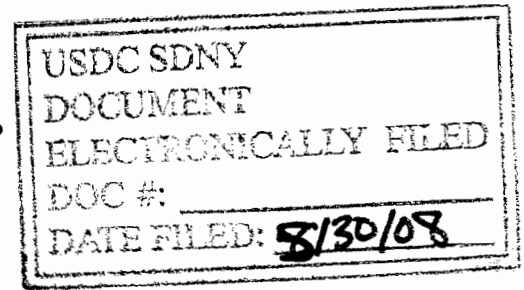


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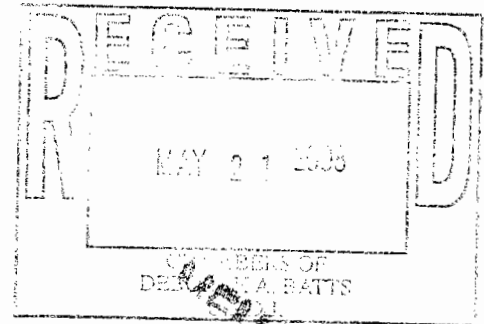


DAVID B. WECHSLER
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May 20, 2008

Via Hand Delivery

Hon. Deborah A. Batts
United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 2510
New York, NY 10007



Re: Berman v. Tyco, Case No. 08-CV-00043 (DAB) (KNF)

Dear Judge Batts:

We represent Plaintiff Joshua Berman in the above-referenced case and write this letter pursuant to Rule II(B)(1) of Your Honor's Individual Practices to ask Your Honor if a pre-motion conference is necessary prior to our firm making a Motion to Withdraw as Plaintiff's Counsel, requesting sixty days for Plaintiff to find new counsel and the imposition of a charging lien on any settlement or judgment.

DAB/
GRANTED
05/29/08

This is an action brought for compensation and severance arising out of Mr. Berman's employment with Defendants. Circumstances have developed in the course of the representation -- including without limitation irreconcilable differences between Plaintiff and counsel as to opinions on legal strategy and the management and direction of the litigation -- that have caused an irremediable breakdown in the attorney-client relationship that prevent my firm from providing effective assistance of counsel.

I have e-mailed and spoken with Plaintiff several times concerning our continued and growing differences. In short, no mutually satisfactory resolution could be reached and I informed Plaintiff that we would be making an application to withdraw. Indeed, Mr. Berman has consented to accept service of this motion by "PDF" e-mail because, we are told, he lives and spends the majority of his time in Switzerland.

We respectfully ask the Court to schedule oral argument on the motion for either June 2, 3, or 4, 2008, because, should Plaintiff wish to be heard, we are told that he will be in New York on

MEMO ENDORSED

Hon. Deborah A. Batts
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those dates. The motion is ready to be filed.

Please let us know if Your Honor requires any additional information, or if we may file the Motion to Withdraw without any further action.

Respectfully submitted,



David B. Wechsler

DBW:klm

cc: John H. Kazanjian, Esq. (via e-mail)
Joshua Berman, Esq. (via e-mail)

SO ORDERED


DEBORAH A. BATTS
UNITED STATES DISTRICT JUDGE

Plaintiff counsel's request to move to withdraw as counsel is granted. Plaintiff counsel's papers in support of that motion should be served and submitted to the Court within 20 days of the date of May 30, 2008. Any submissions in opposition are due 20 days thereafter. Plaintiff counsel may reply within 10 days of the submission of any papers in opposition to his motion.

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